UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,665	09/19/2001	Vincent R. Busam	PHAT-01008US0	1223

7590   03/25/2005

Burt Magen
Vierra Magen Marcus Harmon & DeNiro, LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206

EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		09/955,665	BUSAM ET AL.
		Examiner	Art Unit
		Nghi V Tran	2151

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-57</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-57</u> is/are rejected.

7)☒ Claim(s) <u>2,16,29,35 and 48</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/02, 2/12/02, and</u>   07/16/2002

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 2, 16, 29, and 48 are objected to because of the following informalities:

With respect to claims 2, 29, and 48, a period is missing at the end of the claim.

With respect to claim 16, a word "defices" is understood for --devices--.

Appropriate correction is required.

2.   Claims 16 and 35 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 10-11, 18, 28-29, 32, 37, 47-48, 51, and 54 are rejected under 35

U.S.C. 102(e) as being anticipated by Vilhuber, U.S. Patent No. 6,470,453.

5.   With respect to claims 1, 18, 28, 37, 47, and 53, Vilhuber a method for

communicating data (see abstract and figs.1-4), comprising the steps of:

- receiving a request to access a network of devices [col.5, lns.38-45], said

  network of devices includes a set of devices authorized to access [i.e. "user

  access privileges (user privileges) based on the supplied user access

  information"] and a set of devices not authorized to access [col.9, lns.8-27 i.e.

  "a set of devices not authorized to access" is interpreted as "can be used by

  to connect to the network access server and thereby gain unauthorized

  access to the network system"], said devices authorized to access being

  distributed across a global network [col.5, lns.46-55 and col.6, lns.35-40 i.e.

  "a global network" is interpreted as "a communication channels" which may

  form part of a WAN];

- identifying [i.e. determines] said devices authorized to access [col.5, lns.63-

  65]; and

- allowing [i.e. assigned] communication with said devices authorized to access

  and not allowing communication with said devices not authorized to access

  [col.5, ln.66 - col.6, ln.18].

6.   With respect to claims 2, 29, and 48, Vilhuber further teaches said request is

received from a first device [102 i.e. client] using a first user identification [col.8, lns.9-10

i.e. "a user identification" is interpreted as "a valid username"]; said set of devices

authorized to access use said first user identification [col.8, lns.11-19]; and said set of devices not authorized to access do not use said first user identification [col.7, lns.18-23].

7.   With respect to claim 3, Vilhuber further teaches authenticating said first device based on said first user identification and a first password [col.8, lns.8-19], said steps of identifying and allowing are performed in response to said step of authenticating [col.8, lns.20-46].

8.   With respect to claim 10, Vilhuber further teaches allowing communication includes sending a command from a source device [102 i.e. client] to one or more of said devices authorized to access [114 i.e. network device] [col.7, lns.18-22 i.e. "sending a command" is inherent because "a particular user is authorized to access the network"].

9.   With respect to claims 11, 32, and 51, Vihuber further teaches allowing communication includes sending a command from a source device [102 i.e. client] to an intermediate server [104 i.e. network access server] and forwarding said command from said intermediate server to one or more of said devices authorized to access [114 i.e. network device] [col.7, lns.18-22 i.e. "sending a command" is inherent because "a particular user is authorized to access the network through network access server"].

10.   Claims 15-16 and 34-35 are rejected under 35 U.S.C. 102(e) as being

anticipated by Levy, U.S. Patent Application Publication No. 2002/0052885.

11.   With respect to claims 15 and 34, Levy teaches a method for communicating

data (see abstract and figs1-5), comprising the steps of:

- ·receiving a request to access a network of devices [figs.1-3 and page 6,

    paragraph 0078], said network of devices includes a set of devices authorized

    to access [i.e. "the connectivity status indicates which clients are currently

    connected to the network, and are available to transfer registered files"] and a

    set of devices not authorized to access;

- identifying items [114 i.e. files available for sharing] on said set of devices

    authorized to access [page 5, paragraph 0077]; and

- creating [i.e. downloading] a playlist [i.e. user's songs] of said items on said

    set of devices authorized to access, said playlist includes items on different

    devices [page 3, paragraph 0033 and page 7, paragraph 0115-0117].

12.   With respect to claims 16 and 35, Levy further teaches said playlist includes

items on different types of devices [page 3, paragraph 0033 and page 7, paragraph

0115-0117].

13.   Claims 23-27 and 42-46 are rejected under 35 U.S.C. 102(e) as being

anticipated by Fanning et al., U.S. Patent No. 6,366,907 (hereinafter Fanning).

14.   With respect to claims 23 and 42, Fanning teaches a method of communicating

data [see abstract and figs.1-4], comprising the steps of:

- accessing a network of devices [col.2, lns.8-12 and col.7, lns.14-44 i.e. "a

  network of devices" is interpreted as "provider server"], said network of

  devices includes a set of devices authorized to access [col.7, lns.4-13. i.e. "a

  set of devices authorized to access" is inherent because "each search

  response contains a list of data object"] and a set of devices not authorized to

  access [col.6, lns.15-37 i.e. "a set of device not authorized to access" is

  interpreted as "not available"];

- sending a search request to said set of devices authorized to access [fig.4

  and col.6, ln.66 - col.7, ln.3]; and

- receiving search results from said set of devices authorized to access [fig.4

  and col.7, lns.4-13].

15.   With respect to claims 24 and 43, Fanning further teaches sending said request

to a server [i.e. proxy server] for forwarding to said set of devices authorized to access

[col.5, ln.57 - col.6, ln.9]; and said step of receiving search results includes receiving

said search results via direct connections, if direct connections can be established

[col.5, lns.57-61]; and said step of receiving search results includes receiving said

search results via said server [i.e. proxy server], if direct connections cannot be

established [col.5, ln.61- col.6, lns.8 i.e. "direct connections cannot be established " is

interpret as "connection is behind firewall"];

16.   With respect to claims 25 and 44, Fanning further teaches a method for

communicating data [see abstract and figs.1-4], comprising the steps of:

- receiving a request for a search [col.6, ln.59 - col.7, ln.3], said search being

  requested by a source device [i.e. "a source device" is interpreted as

  "recipient client"];

- performing said search [col.6, lns.59-63]; and

- sending results of said search directly to said source device if a direct

  connection to said source device is possible [col.5, lns.57-61 i.e. "provider

  server is not behind firewall"];

- sending results of said search to said source device via an intermediary

  device [102 i.e. "a proxy server"] if a direct connection to said source device is

  not possible [col.5, ln.61- col.6, lns.8 i.e. "connection is behind firewall"];

17.   With respect to claims 26 and 45, Fanning teaches a method for communicating

data (see abstract and figs.1&3-4), comprising the steps of:

- receiving a request to transfer an item [col.5, lns.63-65], said item residing on

  a target device [i.e. "provider server"];

- attempting to establish a first connection [i.e. request] with said target device

  in response to said step of receiving [col.5, lns.57-61];

- transferring said item using said first connection if said attempt to establish said first connection was successful [col.5, lns.57-61 i.e. "said first connection was successful" is interpreted as "provider server is not behind firewall"];

- sending a message to said target device via an intermediate device [i.e. proxy server] if said attempt to establish said first connection was not successful [col.5, ln.61- col.6, lns.8 i.e. "said first connection was not successful" is interpret as "connection is behind firewall"];

- receiving an attempt to establish a second connection [i.e. download] from said target device [col.5, lns.57-61]; and

- transferring said item using said second connection if said attempt to establish said second connection was successful [col.5, lns.57-61].

18.   With respect to claims 27 and 46, Fanning further teaches transferring said item via a proxy if said attempt to establish said second connection was not successful [col.5, ln.61 - col.6, ln.8].

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20.   Claims 17 and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Levy as applied to claim 15 above, and further in view of Fanning et al., U.S. Patent No.

6,366,907 (hereinafter Fanning).

21.   With respect to claims 17 and 36, Levy further teaches said step of identifying

items includes the steps of:

- receiving a request at an intermediate entity [page 1, paragraph 0006 i.e. "an

  intermediate entity" is interpreted as "a central/distributed database"] from a

  source device to search [i.e. "a source device" is interpreted as "client"];

- forwarding said request to search from said intermediate entity to said set of

  devices authorized to access [page 1, paragraph 0007i.e. "said set of device

  authorized to access" is interpreted as "Gnutella users"];

- performing searches at said set of devices authorized to access based on

  said request [page 1, paragraph 0007];

- providing results from said searches directly to said source device from said

  devices authorized to access if direct connections can be established [page 1,

  paragraph 0007];

However, Levy is silent on providing results from said searches to said source

device from said devices authorized to access via said intermediate entity if direct

connections cannot be established.

In a method of communication, Fanning discloses providing results from said

searches to said source device from said devices authorized to access via said

intermediate entity if direct connections cannot be established [col.5, ln.61- col.6, ln.8]

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Levy in view of Fanning by providing results

from said searches to said source device from said devices authorized to access via

said intermediate entity if direct connections cannot be established because this feature

avoids communication fails if direct connections cannot be established [i.e. if the

connections behind the firewall]. It is for this reason that one of ordinary skill in the art

at the time of the invention would have been motivated to modify Levy in view of

Fanning in order to facilitate the transfer to the source device from the device

authorized.

22.   Claims 5, 7-8, 19-21, 30-31, 38-40, 49-50, and 54-56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Vilhuber as applied to claims 1, 18, 37, and

53 above in view of Levy, U.S. Patent Application Publication No. 2002/00522885, and

further in view of Fanning et al., U.S. Patent No. 6,366,907 (hereinafter Fanning).

23.   With respect to claims 5, 19, 30, 38, 49, and 54, Vilhuber is silent on receiving a

request at an intermediate entity from a requesting device to search, said requesting

device is logged into said network using said first user identification; forwarding said

request to search from said intermediate entity to said devices that are logged in to said

network using said first user identification; performing searches at said devices that are

logged in to said network using said first user identification based on said request;

providing results from said searches directly to said requesting device from said devices

that are logged in to said network using said first user identification if direct connections

can be established; and providing results from said searches to said first device from

said devices that are logged in to said network using said first user identification via said

intermediate entity if direct connections cannot be established.

However, Levy discloses said step of allowing communication includes the steps

of:

- receiving a request at an intermediate entity [page 1, paragraph 0006 i.e. "an

  intermediate entity" is interpreted as "a central/distributed database"] from a

  requesting device to search, said requesting device is logged into said

  network;

- forwarding said request to search from said intermediate entity to said

  devices that are logged in to said network [page 1, paragraph 0007 i.e. "log

  on Gnutella network"];

- performing searches at said set of devices that are logged in to said network

  based on said request [page 1, paragraph 0007];

- providing results from said searches directly to said source device from said

  devices that are logged in to said network if direct connections can be

  established [page 1, paragraph 0007];

- providing results from said searches to said first device from said devices that

  are logged in to said network using said first user identification via said

  intermediate entity if direct connections cannot be established.

In a method of communication, Fanning discloses providing results from said

searches to said source device from said devices that are logged in to said network via

said intermediate entity if direct connections cannot be established [col.5, ln.61- col.6,

ln.8]

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy and further in view of

Fanning by providing results from said searches to said source device from said devices

authorized to access via said intermediate entity if direct connections cannot be

established because this feature avoids communication fails if direct connections cannot

be established [i.e. if the connections behind the firewall]. It is for this reason that one

of ordinary skill in the art at the time of the invention would have been motivated to

modify Vilhuber in view of Levy and further in view of Fanning in order to facilitate the

transfer to the source device from the device authorized.

24.   With respect to claims 7-8, 20, 31, 39, 50, and 55, both Vihuber and Levy are

silent on attempting to establish a first connection from said first device to a target

device; transferring an item using said first connection if said attempt to establish said

first connection was successful; sending a message to said target via an intermediate

device if said attempt to establish said first connection was not successful, said

intermediate entity performs said step of receiving a request to access a network;

attempting to establish a second connection from said target device to said first device;

transferring said item using said second connection if said attempt to establish said

second connection was successful; and transferring said item via a proxy if said attempt

to establish said second connection was not successful.

In a method of communication, Fanning discloses said step of allowing

communication includes the steps of:

- attempting to establish a first connection [i.e. request] with said target device

   in response to said step of receiving [col.5, lns.57-61];

- transferring said item using said first connection if said attempt to establish

   said first connection was successful [col.5, lns.57-61 i.e. "said first connection

   was successful" is interpreted as "provider server is not behind firewall"];

- sending a message to said target device via an intermediate device [i.e. proxy

   server] if said attempt to establish said first connection was not successful

   [col.5, ln.61- col.6, lns.8 i.e. "said first connection was not successful" is

   interpret as "connection is behind firewall"];

- attempting to establish a second connection from said target device to said

   first device;

- transferring said item using said second connection if said attempt to

   establish said second connection was successful [col.5, lns.57-61]; and

- transferring said item via a proxy if said attempt to establish said second

   connection was not successful [col.5, ln.61 - col.6, ln.8].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy and further in view of

Fanning by adding a proxy if connection is not successful because this feature avoids

communication fails if direct connections cannot be established [i.e. if the connections

behind the firewall]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated to modify Vilhuber in view of Levy and further

in view of Fanning in order to facilitate the transfer to the source device from the device

authorized.

25.   With respect to claims 21, 40, and 56, both Vilhuber and Levy are silent on

sending a command from said first device to an intermediate server; and forwarding

said command from said intermediate server to one or more of said devices that are

logged in to said network using said first user identification.

In a method of communication, Fanning discloses sending a command from said

first device to an intermediate server; and forwarding said command from said

intermediate server to one or more of said devices that are logged in to said network

using said first user identification [col.1, ln.60 - col.2, ln.16].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy and further in view of

Fanning by sending a command from said first device to an intermediate server; and

forwarding said command from said intermediate server to one or more of said devices

that are logged in to said network using said first user identification because this feature

may be find the best data object within the network. It is for this reason that one of

ordinary skill in the art at the time of the invention would have been motivated to modify

Vilhuber in view of Levy and further in view of Fanning in order to selects the most

optimal provider that the data object resides on [Fanning, col.2, lns.8-12].

26.   Claims 12-14, 22, 33, 41, 52, and 57 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Vilhuber as applied to claims 1, 18, 37, and 53 above in view of

Levy, U.S. Patent Application Publication No. 2002/00522885.

27.   With respect to claims 12, 22, 33, 41, 52, and 57, Vilhuber is silent on creating a

playlist; and adding items to said playlist, said items includes a first item from said first

device and a second item from a second device, said first device and said second

device are not on a common LAN, said second device is logged in to said network using

said first user identification.

In a method of communication, Levy discloses creating a playlist [page 3,

paragraphs 0033; page 7, paragraphs 0115-0117; and page 8, paragraph 0121-0122];

and adding items to said playlist, said items includes a first item from said first device

and a second item from a second device [page8, paragraph 0120 i.e. "giving the user

the option to instruct the computer to fetch addition information"], said first device and

said second device are not on a common LAN, said second device is logged in to said

network using said first user identification [fig.1].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy by creating a playlist

and adding items to the playlist because this feature enables users to control playback

of the files. It is for this reason that one of ordinary skill in the art at the time of the

invention would have been motivated to modify Vilhuber in view of Levy in order to

render the screen or audio.

28.   With respect to claim 13, Vilhuber is silent on establishing said network of

devices without using a server.

        In a method of communication, Levy discloses establishing said network of

devices without using a server [page 5, paragraph 0072].

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy by establishing said

network of devices without using a server because this feature reduces burden on a

central server. It is for this reason that one of ordinary skill in the art at the time of the

invention would have been motivated to modify Vilhuber in view of Levy in order to

distributed file sharing system in a network using database synchronization.

29.   With respect to claim 14, Vilhuber is silent on broadcasting from a first device;

listening for other devices, performed by said first device; broadcasting from a second

device; listening for other devices, performed by said second device; establishing a

connection between said second device and said first device; authenticating said first

device and said second device; broadcasting from a third device; listening for other

devices, performed by said third device; establishing a connection between said second

device and said third device; authenticating said second device and said third device;

establishing a connection between said third device and said first device; and

authenticating said first device and said third device.

In a method of communication, Levy discloses broadcasting [page 3, paragraph

0033 i.e. "having the computer broadcast their event logs to each other"] from a first

device [i.e. 104]; listening [i.e. "maintain a copy of the event log, which is synchronized

upon each broadcast operation"] for other devices, performed by said first device;

broadcasting from a second device [i.e. 106]; listening for other devices, performed by

said second device; establishing a connection between said second device and said

first device; authenticating said first device and said second device; broadcasting from a

third device; listening for other devices, performed by said third device; establishing a

connection between said second device and said third device; authenticating said

second device and said third device; establishing a connection between said third

device and said first device; and authenticating said first device and said third device.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy by establishing and

authenticating among first, second, and third device in a network using broadcasting

and listening because this feature reduces burden on a central server. It is for this

reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Vilhuber in view of Levy in order to distributed file sharing system in

a network using database synchronization.

30.   Claims 4, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vilhuber as applied to claim 1 above in view of Fanning et al., U.S. Patent No.

6,366,907 (hereinafter Fanning).

31.   With respect to claims 4 and 6, Vilhuber is silent on transmitting a search request

to said set of devices authorized to access; performing searches at said set of devices

authorized to access based on said request; and providing results from said searches.

        In a method of communication, Fanning discloses transmitting a search request

to said set of devices authorized to access [col.6, ln.66 - col.7, ln.3]; performing

searches at said set of devices authorized to access based on said request [col.7,

lns.14-29]; and providing results from said searches [col.7, lns.4-13].

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Fanning by requesting,

performing, and providing searches within a network because this feature enable a real-

time search engine that significantly reduces the cost of constructing a search engine

index. It is for this reason that one of ordinary skill in the art at the time of the invention

would have been motivated to modify Vilhuber in view of Fanning in order to reduce

burden on the index builder of the search engines and the central servers that contain

the data being searched.

32.   With respect to claim 9, Vilhuber is silent on transferring items, streaming items,

searching for items, and viewing a list of items.

In a method of communication, Fanning discloses transferring items [col.2,

lns.39-47], streaming items [col.2, lns.34-38], searching for items [col.2, lns.8-12], and

viewing a list of items [col.3, lns.33-67].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Fanning by allowing

communication includes transferring items, streaming items, searching for items, and

viewing a list of items because this feature enable a real-time search engine that

significantly reduces the cost of constructing a search engine index. It is for this reason

that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Vilhuber in view of Fanning in order to reduce burden on the index

builder of the search engines and the central servers that contain the data being

searched.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        a.   "Virtual desktop in a computer network," by Huang et al., U.S. Patent No.

6,571,245.

b.   "Method and system for validating and distributing network presence information for peers of interest," by Dreke et al., U.S. Patent No. 6,463,471.

c.   "Method and apparatus for peer-to-peer communication," by Gray et al., U.S. Patent No. 6,094,676.

d.   "Multimedia multiparty communication system and method," by Ahuja et al., U.S. Patent No. 6,751,669.

e.   "System and method for determining if a message identifier could be equivalent to one of a set of predetermined identifiers," by London, U.S. Patent No. 6,061,734.

34.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.
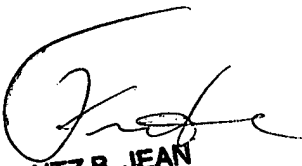
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT

FRANTZ B. JEAN
PRIMARY EXAMINER